

Serial: 202116

IN THE SUPREME COURT OF MISSISSIPPI

No. 2014-IA-01576-SCT

***RICHARD A. FREESE, DENNIS C. SWEET,
III, TIM GOSS, SHEILA M. BOSSIER, D/B/A
SHEILA M. BOSSIER ATTORNEY AT LAW,
PLLC, BOSSIER AND ASSOCIATES, PLLC,
SWEET AND FREESE, PLLC, DENNIS C.
SWEET, P.A., D/B/A SWEET AND
ASSOCIATES, THE FREESE LAW FIRM,
P.C., FREESE AND GOSS, PLLC,
MEDRESOLVE, PLLC, AND JOHN & JANE
DOES INDIVIDUALLY AND AS ENTITIES***

Appellants

v.

DON A. MITCHELL

Appellee

**Consolidated with:
2014-IA-01577-SCT**

FREESE AND GOSS, PLLC

Appellants

v.

EDWRICK WILSON

Appellee

**Consolidated with:
2014-IA-01578-SCT**

FREESE AND GOSS, PLLC

Appellants

v.

MCHUGH FULLER LAW GROUP, PLLC

Appellee

EN BANC ORDER

Before the Court is Don Mitchell's Motion to Confess Circuit Court Jurisdiction.

Also before the Court is Appellants' Response to Don Mitchell's Motion to Confess Circuit

Court Jurisdiction, Don Mitchell's Reply in Support of Motion to Confess Circuit Court Jurisdiction, and Appellants' Sur-Reply to Don Mitchell's Reply in Support of Motion to Confess Circuit Court Jurisdiction.

On January 20, 2015, the Court granted Appellants' Petitions for Interlocutory Appeal in the above-styled matters and consolidated the cases for purposes of appeal. Each case presents the same issue: whether chancery or circuit court has jurisdiction. Appellees originally filed the cases in chancery court, and the chancellor denied Appellants' motions to transfer the cases to circuit court.

In the instant motion, Don Mitchell confesses circuit court jurisdiction in *Freese v. Mitchell*, No. 2014-IA-01576-SCT. In their reply, Appellees also confess circuit court jurisdiction in *Freese and Goss, PLLC v. Wilson*, No. 2014-IA-01577-SCT, and *Freese and Goss, PLLC v. McHugh Fuller Law Group, PLLC*, No. 2014-IA-01578-SCT. Appellants do not object to Appellees' confession of jurisdiction.

Because the Court finds that circuit court is a proper court, the appeals are now moot. "[R]eview by appellate courts of immaterial, unnecessary, or moot questions will not ordinarily be considered." *Insured Sav. and Loan Assoc. v. State, ex rel Patterson*, 242 Miss. 547, 556, 135 So. 2d 702, 727 (1961). Therefore, after due consideration, the Court finds that these matters should be remanded to the Chancery Court of Rankin County. Upon remand, the chancery court is instructed to transfer the matters to the Circuit Court of Rankin County. Any pending issues before the chancery court, including issues related to arbitration, may be properly considered by the circuit court.

IT IS THEREFORE ORDERED that Don Mitchell's Motion to Confess Circuit Court Jurisdiction is hereby granted. The Rankin County Chancery Court's orders denying Appellants' Motions to Transfer are reversed, and the stay previously entered by this Court is now vacated.

IT IS FURTHER ORDERED that these matters are remanded to the Chancery Court of Rankin County for proceedings consistent with the instant Order. The Chancery Court of Rankin County shall transfer the matters to the Circuit Court of Rankin County. All costs, not previously assessed, shall be taxed to Appellees.

SO ORDERED, this the 14th day of December, 2015.

/s/ Randy G. Pierce

RANDY GRANT PIERCE, JUSTICE

TO GRANT: ALL JUSTICES